

BOROUGH OF GETTYSBURG
59 EAST HIGH STREET, GETTYSBURG, PA 17325
COUNCIL MEETING MINUTES
SEPTEMBER 12, 2016

President Robert Krummerich called the meeting to order at 7:00 PM with the following Councilors present: Vice President Scot Pitzer, Mrs. Susan Naugle, Mr. Graham Weaver, Mr. Wesley Heyser and Mrs. AmyBeth Hodges. Mr. Jacob Schindel was absent. Staff present included: Mayor Theodore Streeter; Manger Charles Gable; Borough Secretary Sara Stull; Solicitor Harold Eastman; Chief Joseph Dougherty; Finance Director Nicolette James, Public Works Director Dan Hilliard and Chad Clabaugh, C. S. Davidson Engineer, Inc., Borough Engineer.

Others present include: Craig Witmer and Teena Curnow, auditors representing Smith Elliott Kearns (SEK); Deb Adamik, President, Main Street Gettysburg; Darlene Brown, Executive Director, PA Interfaith Community Programs, Inc. (PICPI), 40 East High Street; Daniel Konstalid, Vice President for Finance and Administration, Gettysburg College; Peter Martin, PJ Martin Engineer; Justin Blanset, Agent for Shenandoah Telecommunications Company (Shentel), Mike Shestok, 264 Baltimore Street; Stan Clark, 915 Fairview Avenue; Philip Goble, 132 East Middle Street; Roan Frenelle and Michael Tallent, 811 Johns Avenue;

Representing the press was Jim Hale of the *Gettysburg Times*.

President Krummerich opened the meeting and thanked Manager Gable for all the countless time he put in to the events for the Sekigahara, Japan Delegation's visit. He also thanked Mayor Streeter for his opening remarks at the Sister City Signing Ceremony. President Krummerich also acknowledged all the time and dedication that Mrs. Judith Butterfield spent helping with the Japan delegation event over the past two years. He noted that a contingent of Borough representatives also attended the Japan Ambassadors reception held in Washington DC, and had a very nice time.

President Krummerich also said that Monica Oss, owner of 165 York Street, wanted to extend her gratitude with the service provided them, and complimented how quickly Manger Gable responded to the accident that heavily damaged their building.

An executive session of the Borough Council of the Borough of Gettysburg was conducted immediately following the adjournment of the August 22, 2016 Borough Council work session consistent with sections 708(a)(1), 708(a)(2), 708(a)(3), 708(a)(4) and 708(a)(5) of the Sunshine Act.

An executive session of the Borough Council shall be conducted immediately prior to the adjournment of this meeting consistent with sections 708(a)(1), 708(a)(2), 708(a)(4) and 708(a)(5) of the Sunshine Act for the following reasons and purposes: (1) to discuss matters involving the employment, the terms and conditions of employment and the evaluation of performance of current or former Borough employees; (2) to provide information and discuss matters relative to the proposed organization and staffing of the Borough Police Department in connection with the Borough's collective bargaining agreement with its police officers' union, Teamsters Local 776; (3) to consult

with the Borough Manager and the Borough's solicitor in connection with information or strategy on which identifiable claims or complaints are expected to be filed against the Borough of Gettysburg and its employees in connection with the May 12, 2015 arrest of Derek Twyman; and (4) to review and discuss Borough business which, if conducted in public, would violate a lawful privilege or could lead to the disclosure of information or matters of confidentiality protected by law.

Moved Mrs. Hodges seconded Mr. Pitzer to approve the September 12, 2016 Agenda after removing the special presentation by Robin Fitzpatrick, ACIDA. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mr. Heyser to approve the August 8, 2016, Council Business Meeting minutes as presented. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Naugle to approve the August 22, 2016 Community Development Block Grant (CDBG) hearing minutes as presented. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to approve the August 22, 2016 Council Work Session Meeting minutes as presented. Motion carried unanimously.

Public Comment:

Deb Adamik, President Main Street Gettysburg, commended President Krummerich for the nice speech that he gave during the Japan Ambassadors event held in Washington, DC. She also acknowledged Manger Gable for the wonderful detailed work he did for the Japan Sister City Signing Event. Mrs. Adamik said that she was proud to be part of the Gettysburg team for this special occasion.

Special Presentation:

Craig Witmer and Teena Curnow, Smith Elliott Kearns (SEK) gave a presentation of the audit for the Borough's 2015 finances. Mr. Witmer said that it resulted in an "unmodified" opinion, which is the best possible.

Mr. Weaver asked how long SEK has been doing the Borough's audit, and how many times it has been rebid. Mr. Witmer responded that SEK has been doing the auditing service since about 2005, and that it has been rebid two times during that time. Mr. Weaver said that he feels new requests should be sought on a regular basis to make sure costs stay in line.

President Krummerich noted that a 2008 financial study predicted that the Borough would be in a much poorer shape by 2016, and may need to file for ACT 47.

Mrs. Naugle commented that she reviewed the Strategic Plan and noted the comparisons of where the Borough was, saying that the prediction showed the General Fund revenue would be less than \$4.4 million at this point, versus the actual figure of \$4.6 million.

She went on to say that finances are always a struggle, but we're doing so much better than where we were predicted to be.

Manager Gable commented that the Borough has never filed for ACT 47. He said that the Borough entered in to DCED's early intervention program, which is designed to aid municipalities from filing ACT 47. He said that this program has served the Borough well and recognized the staff for effective monitoring of their budgets.

Moved Mr. Weaver, seconded Mr. Pitzer to approve all bills and payrolls for the month as presented. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Hodges to accept the J. P. Harris Tax Exoneration report for tax years 2007 through 2012 as presented. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to transfer \$10,299.34 from the General Fund to the Liquid Fuels Fund for proportionate share of FEMA Grant for Winter Storm Jonas. Motion carried unanimously.

Manager Gable explained that the Borough received \$27,424 from the Federal Emergency Management Agency for Winter Storm Jonas, that occurred in January 2016. He said that this represents 75 percent of the \$36,566.00 in storm expenses the Borough incurred. Manager Gable said that the \$10,299.34 will be used for salt expenditures for roads from the liquid fuels fund as required by the state.

Borough Council praised the Public Works Department and the Police Department for their work during this storm.

Moved Mr. Heyser, seconded Mrs. Naugle to authorize the exercise of the Borough's right of first refusal to purchase certain real property containing approximately 1.22 acres of land and comprised of two (2) lots of land (Adams County Tax Parcel Nos. 16-007-0219A and 16-007-0164) situate adjacent to Racehorse Alley in the Borough on which the Borough's parking garage and related parking facilities and improvements are located by matching the offer and bid to purchase the property made by Gettysburg Parking Garage Management, LLC in the amount of \$750,000.00 and to authorize Charles R. Gable, MPA, Borough Manager, to execute and provide written notice to PNC Bank of the Borough's election to exercise its right of first refusal as provided for in the Borough's ground lease for the aforesaid property dated September 12, 1989. The vote passed 5 YEA/1 NAY with Mrs. Hodges the dissenting vote.

Manager Gable gave a brief history of the parking garage stating that the Borough does not own the land, but that PNC Reality Services owns it. He said that it is uncertain what would happen to the land and garage at the conclusion of the current lease agreement in fourteen years from now. Manager Gable recommended that the Borough consider purchasing the parking garage property. He pointed out that this topic has been raised throughout the years. The Borough did inquire to PNC of its interest to purchase the land in 2015. Manager Gable said that the following letter was received in March of 2016, indicating that they would be willing to sell the property. At that time the Borough

completed an appraisal of the property for a fair market value. PNC had decided to send bid packages out to anyone interested in purchasing the property. The Borough would still retain its right of first refusal in the lease if the Borough's offer was not the one selected by PNC. The Borough placed a bid in the amount of \$605,000, and was then informed by PNC that a bid in the amount of \$750,000 was received by Gettysburg Parking Management LLC, otherwise known as Gettysburg College. At this point if the Borough wishes to exercise its right of first refusal, the Borough must match the bid that the College submitted. The deadline is September 15th.

Mr. Heyser said that it is not his desire to spend the money, but it would be irresponsible not to purchase the land that the Borough's parking equipment sits on.

Mrs. Hodges stated that she could never vote on a \$750,000 bid on this land. She said that the Borough would be paying \$150,000 over the appraised amount. Mrs. Hodges went on to say that the Borough does not have the funds to pay for this, and said that its \$250,000 over the \$500,000 amount budgeted. Mrs. Hodges said that this could also cause hard feelings with the Gettysburg College, who voluntarily pays taxes to the Borough.

Mrs. Naugle said that she believes all of Council is very disappointed with this outcome. She said that if you put it in perspective on how to fund and raise revenue to offset the loss of \$430,000 dollars per year, it would require approximately a 30 percent increase in the property tax.

Manager Gable pointed out that the appraisal was \$700,000, and so the bid is over by \$50,000. He said that it is correct that the Borough budgeted \$500,000 in the Capital Improvement Plan, which was done prior to the appraisal. Manager Gable said that the money is available in the \$4 million dollar bond Council recently approved.

Mr. Pitzer said that he appreciates the concerns of Councilors Hodges and Heyser about the over spending, but pointed out that it is the only revenue generator in the Capital Improvement Plan. He said that he will vote to purchase the land.

Mr. Pitzer asked if some of the road projects would be post-poned or cancelled now. Manager Gable responded that this is premature in the Capital Improvement Plan execution at this point. He said that staff outlined \$5 million dollars in projects, and that Council approved \$4 million dollars with the bond issuance. Manager Gable said that staff will seek grant opportunities in the next few years to make up the million dollar difference. He pointed out that is the plan, but it is subject to change. Manager Gable went on to say that taxes should not be raised for the purposes of the bond issuance, which is different than operational costs.

President Krummerich noted that this is a business deal, and not in any way meant to insult the Gettysburg College.

Moved Mr. Pitzer, seconded Mr. Heyser to authorize a COLA increase for retired police pensioner Kevin Wilson, to be paid from the Police Pension Plan effective August 1, 2016. Motion carried unanimously.

Moved Mr. Heyser, seconded Mr. Pitzer to ratifying the side-letter agreement and memorandum of understanding with the Teamsters Local No. 776 Police Officers' Labor Union relative to the modification of the parties' Collective Bargaining Agreement to make provision for post-retirement health care benefits to police officers who elect to retire between June 1, 2016 and August 31, 2016 and who meet specific eligibility criteria. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Naugle to ratify the execution of a Release Agreement between the Borough and the Teamsters Local No. 776 Police Officers' Labor Union relative to the retirement of Larry Runk as an officer of the Gettysburg Borough Police Department and to accept his formal notice of retirement which was effective on August 19, 2016. Motion carried unanimously.

Mayor Streeter mentioned that Borough Council and staff generally have a cake reception for retiring officers, but Sergeant Runk said that he did not want anything, so we honored his wishes.

Moved Mrs. Naugle, seconded Mr. Heyser to approve the Minimum Municipal Obligation (MMO) for the Gettysburg Police and Non-Uniformed Pension Plans for 2017. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Naugle to authorize entry into a cooperation agreement with the County of Adams for Fiscal Year 2016 Community Development Block Grant program administration. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Hodges to authorize the County of Adams to advertise the appropriate specifications on behalf of the Borough of Gettysburg for the collection of municipal waste. Motion carried unanimously.

Moved Mr. Pitzer, seconded Mrs. Naugle to approve the submission of a grant request to the Adams County Parks, Recreation and Green Space Grant Program for additional funding for the GIL Phase A construction. Motion carried unanimously.

Mrs. Naugle explained that the County has made available a green space grant for money they received the past few years based on the natural gas drilling occurring in the northern part of the state. They established the Adams County Recreation Green Space Grant Program. She and Tom Jolin met with officials in the Adams County Planning office for a pre-application meeting. They discussed a list of items that Chad Clabaugh provided for the grant which were acceptable under this program. Mrs. Naugle said that the grant does require a 50 percent match by the applicant. She said that the 1.5 million dollars received from SEMAC and TAP will be considered matching funds, so the Borough would have money to meet the requirement. Mrs. Naugle said they would like to be listing partners, because it secures a higher score for the grant. She said that they would like to have HABPI, but it does require a 5 percent match in cash or in-kind service from the partner. They are gathering information to see if volunteer work would be acceptable for HABPI as a partner. Mrs. Naugle went on to say that the grants are \$25,000, but the Commissioners may approve more. She said that the list Chad prepared is \$25,000, and that she and Tom will prepare an

application which is due by the end of September. Some of the work would include signage, benches etc.

Mr. Heyser thanked Councilwoman Naugle for her work on this and for securing a match for the grant. He did mention to be cautious of matching grants with in-kind service.

Moved Mr. Pitzer, seconded Mr. Heyser to approve the financial security for the completion of required improvements for the approved parking lot expansion land development project of 353 York Dental, LLC at its 353 York Street property in the amount of \$38,942.20 consistent with the certification letter dated September 12, 2016 issued by C.S. Davidson, Inc., Borough Engineer, and in a form authorized by the Pennsylvania Municipalities Planning Code. Motion carried unanimously.

Moved Mrs. Hodges, seconded Mr. Pitzer to authorize the Borough to execute and deliver a Memorandum of Land Development Agreement and an Operation and Maintenance Agreement for Stormwater Management Practices for the approved parking lot expansion land development project of 353 York Dental, LLC at its 353 York Street property. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mr. Heyser to approve and authorize the issuance of Certificates of Appropriateness for Items C (1 Lincoln Square), D (315 North Stratton Street), F (59 West Middle Street), and G (59 West Middle Street), as set forth in the minutes of the August 17, 2016 meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Moved Mrs. Naugle, seconded Mrs. Hodges to approve and authorize the modification to Certificates of Appropriateness COA-16-30 (131-133 West Middle Street), as set forth in the minutes of the August 17, 2016 meeting of the Historic Architectural Review Board consistent with the findings and recommendations of HARB as set forth therein. Motion carried unanimously.

Moved Mr. Heyser, seconded Mrs. Hodges to approve the application and resolution for the placement of pole mounted rectangular rapid flashing beacon pedestrian crossing warning devices at the intersections of Reynolds Street with Middle Street and Buford Avenue. Motion carried unanimously.

Manager's Report:

Manager Gable reported that officials from Sekigahara, Japan were in Gettysburg Monday, September 5th to participate in a signing ceremony to formalize a "Sister City" relationship with Gettysburg and also a "Sister Park" with the Gettysburg National Military Park. He noted that the Gettysburg Museum had over six-hundred visitors to view the Sekigahara display.

Manager Gable thanked everyone who helped with the event and especially, thanked Public Works employees, Chase Balderas and Mike Dutrow, for working on the Labor Day Holiday to set up stage at the train station for the event.

Liaison Reports:

Gettysburg Municipal Authority

Mrs. Naugle reported that GMA discussed the proposed draft of the Central Adams County Joint Comprehensive Plan. She also said that the employee's union contract expires in November, so they are in the process of negotiating it. Mrs. Naugle also reported that GMA is looking for eligible projects to apply for the PA Small Water and Sewer Grant program.

Main Street Gettysburg

Deb Adamik announced that a Polish Pottery Bingo will be held on Saturday, September 24th at 7:00 PM at the Gettysburg Fire Department to benefit the Baltimore Street Historic Pathway Revitalization project. She encouraged everyone to attend. Mrs. Adamik also mentioned the second Annual Victorian Christmas will be held on December 10th. She noted that there is some misperception in the community about this venue occurring only on Steinwehr Avenue. Mrs. Adamik said that the Steinwehr BID pays for this, but that anyone in the community can participate by decorating or have other things going on during the month of December.

Elm Street

Darlene Brown announced that the First Annual Olde Getty Place Car show will be held on Saturday, September 24th on West High Street from 8 AM to 3 PM. She said that the proceeds will go to Ruth's Harvest Backpack Program. Ms. Brown also reported that they are currently planning the upcoming Halloween and Christmas Parades.

Steinwehr Avenue Heart of Gettysburg Battlefield

AmyBeth Hodges reported that Alex Hayes and Megan Arnold of the YWCA attended the BID meeting to discuss the upcoming Gettysburg Battlefield Marathon.

Adams County Council of Governments

Mayor Streeter reported that this was the first meeting he attended, and said that the highlight of the meeting was the reappearance of the Legislative Delegations: Senator Alloway, Representative Moul and Representative Tallman.

Council:

Wesley Heyser announced that both he and Scot Pitzer will be hosting a Ward 1 Town Hall meeting on Thursday, September 15th at 7:00 PM at the Gettysburg Fire Department.

Public Comment:

Philip Goble, 132 East Middle Street, said that he believes there is some misconceptions about HARB, and invited Council members to attend a meeting.

The meeting was adjourned to an executive session at 9:00 PM. The meeting reconvened at 10:10 PM and with the following motions.

Moved Mr. Pitzer, seconded Mr. Weaver to appoint Shannon Hilliard to the position of entry level patrol officer of the Gettysburg Borough Police Department, conditioned upon the certification of Mr. Hilliard as an eligible individual for that position by the Civil Service Commission of the Borough of Gettysburg. Motion carried unanimously.

Moved Mr. Heyser, seconded Mr. Pitzer to promote Harald Pruy to the position and rank of Sergeant in the Gettysburg Borough Police Department being named on the list of those individual eligible for promotion to Sergeant as certified to the Borough Council by the Civil Service Commission of the Borough of Gettysburg following its completion of the testing procedures for such promotion. Motion carried unanimously.

Moved Mr. Heyser, seconded Mr. Pitzer to promote Larry Weikert to the position and rank of Sergeant in the Gettysburg Borough Police Department being named on the list of those individual eligible for promotion to Sergeant as certified to the Borough Council by the Civil Service Commission of the Borough of Gettysburg following its completion of the testing procedures for such promotion. Motion carried unanimously.

With no further business, moved Mr. Pitzer, seconded Mr. Heyser to adjourn the meeting at 10:14 PM.

Respectfully submitted,

Sara L. Stull
Borough Secretary